

### **REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Amendment of Claim 85.**

**Claim 85.** Independent Claim 85 has been amended herein to move the claim element whose text includes "*wherein said programming means... given said second address*" to a lower position in the claim, after the second address is introduced with "*a second address*", so as to assure proper antecedent basis for the term "*said second address*".

Applicant noticed the antecedent problem upon recent review of the pending claims, and apologizes for any inconvenience to the Examiner.

2. **Addition of Independent Claims 86-87.**

Independent Claims 86-87 were added which contain the material respectively of independent Claims 47 and 61, but include a distinct recitation of the optical programming. These claims provide additional patentable claims in line with the elected species and replace two independent claims for which a fee has been paid but that were cancelled in response to a restriction requirement.

Support for this aspect of the invention is found in portions of the original claims and throughout the specification dealing with optical in-situ programming, for example on page 6, lines 11-18: "*The USLEDs of the present invention incorporate what is being referred to herein as Array Position Addressing (APA) which allows the elements to be controllable addressed without the need of individual row and column lines. One aspect of APA on USLEDs involves a technique of in-situ optical programming wherein the USLEDs are programmed from an optical source array (generally a matching, or a superset, of the target USLED array) which programs a position address into each USLED on the target array. After programming, each display element retains, such as in FLASH memory, the address within the array that it is to be responsive to.*"

Support is also found in the specification at page 21, line 30 - page 22, line 4: *"It will further be appreciated that the synchronous optical programming (SOP) method of the present invention may be utilized within a variety of devices for establishing an address for the device within a single or multiple axis array. For example the SOP technique may be utilized according to the present invention with any form of output elements, or even with input elements, such as optical detectors, or with combinations thereof."*; and elsewhere.

Support is also found at page 10, lines 14-18: *"The programming array is optically coupled to the unprogrammed array, such that light from each USLED of the programming array can be coupled to only one USLED of the unprogrammed array. It will be appreciated that should the arrays be optically-coupled face to face, then the preprogrammed USLED array should be programmed as a mirror-image of the addressing for the array being programmed."*

It should also be noted that the terms programming array and the optical coupling have been described in the claims, for example in original Claim 7 which contained the phrase: *"optically coupling a programming array to the array of display elements"*.

None of the above amendments have been made to overcome any grounds of rejection.

### 3. Obviousness Considerations of Claim 86-87.

Independent Claims 86 and 87 were added directed at the grounds for allowability of Claim 67, wherein the cited references clearly do not teach, or provide motivation or incentive for in-situ programming.

Independent Claims 86 and 87 should be considered unobvious and patentable over the cited references which do not describe any form of in-situ programming mechanisms, and more particularly no teachings nor structures for performing in-situ optical programming. These in-situ programming aspects being clearly recited in both claims 86 and 87; and in combination with additional grounds for patentability as described with reference to Claims 47 and 61.

4. No Additional Claim fees.

No additional claim fees are required for adding independent Claims 86-87, because claim cancellations executed in addressing previous restriction requirements in the case, has reduced the number of pending claims sufficiently below the number of claims for which a payment has been made. Accordingly, the number of independent claims and total claims within the instant application are still below the number which have been paid for in the application.

These additional independent claims raise the total number of independent claims to eight (8), (refer to Claims 16, 47, 61, 69, 70, 85, 86, 87); whereas a total of ten independent claims were paid for.

Original app paid for three (3) extra independent claims for a total of six (6) independent claims. On my amendment of April 19, 2004 four (4) additional independent claims were paid for bringing the total to ten (10). The total number of claims paid for in the application stands at seventy-two (72) based on the twenty (20) permissible total claims based on the original filing fee, and the payment on April 19, 2004 for an additional fifty-two (52) claims, bringing the total number of claims paid for to seventy-two (72) which is less than the forty-nine (49) total claims now pending, inclusive of newly added claims 86-87.

5. Conclusion.

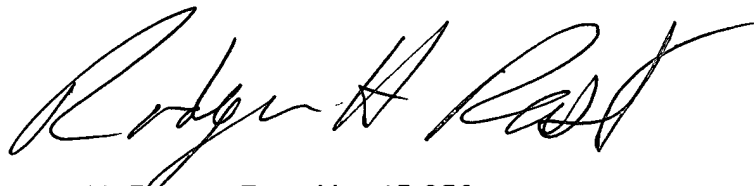
Applicant respectfully requests that the above amendment be entered in the case and properly considered in making a determination on the merits for allowance.

The Applicant respectfully requests a phone interview with the Examiner to clarify any issues that arise upon examination on the merits of the present application.

Appl. No. 09/924,973  
Amdt. Dated: February 10, 2006

Date: Feb. 10, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodger H. Rast". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rodger H. Rast Reg. No. 45,853  
c/o Rastar Corporation  
11230 Gold Express Drive  
Suite 310 MS 337  
Gold River, CA 95670

Rodger@rastar.us  
(916) 631-9043